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E.O. 11652: XGDS-3

TAGS: SHUM IS

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: STATE 133686
POST COMMENTS ON FOLLOWING REQUESTED BY COB JULY 5.

1. CONDITION OF HUMAN RIGHTS
- 2.

BECAUSE OF THE SHARP DICHOTOMY BETWEEN THE POLITICO-SOCIAL
ENVIRONMENT IN ISRAEL AND THAT OF THE ARAB TERRITORIES
ISRAEL HAS OCCUPIED SINCE 1967, DISCUSSION OF THIS SUBJECT
MUST BE TREATED IN SEPARATE BUT PARALLEL FASHION FOR EACH OF
THE TWO AREAS. IN GENERAL, AS THE FOLLOWING PARAGRAPHS WILL
BEAR OUT, THE HUMAN RIGHTS SITUATION IN ISRAEL PROPER
APPROACHES THAT OBTAINING IN THE WESTERN DEMOCRACIES. SOME
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PROBLEMS DO EXIST FOR THE ARAB MINORITY, WHICH, BECAUSE OF
THE EXPLICITLY JEWISH CHARACTER OF THE STATE AND THE
UNRELIEVED HOSTILITY DIRECTED AGAINST ISRAEL BY ITS ARAB
NEIGHBORS, CONTINUES TO FEEL ALIENATED FROM ISRAELI SOCIETY,
DESPITE GOVERNMENTAL AND PRIVATE EFFORTS TO BRIDGE THE GAP.
ON THE WHOLE, HOWEVER, ALL OF ISRAEL'S CITIZENS ENJOY FULL
CIVIL RIGHTS AND LIBERTIES AND RESPECT FOR INTEGRITY OF THE

PERSON.

3.

ARISING FROM THE INEVITABLE TENSION BETWEEN THE OCCUPYING AUTHORITIES AND THE INDIGENOUS POPULATION (MOSTLY PALESTINIANS), AND THE CONSTANT REAL SECURITY THREAT POSED BY OCCASIONALLY VIOLENT DEMONSTRATIONS AND CLANDESTINE TERRORIST AND OTHER DISSIDENT GROUPS, THE HUMAN RIGHTS SITUATION IN THE OCCUPIED TERRITORIES IS RATHER DIFFERENT. (EXCEPT WHERE OTHERWISE NOTED, "OCCUPIED TERRITORIES" REFERS TO THE WEST BANK AND THE GAZA STRIP WHERE THE VAST MAJORITY OF THE ARAB POPULATION IN THESE TERRITORIES IS LOCATED.) FOR ONE THING, THE OCCUPIED TERRITORIES ARE UNDER MILITARY GOVERNMENT, AND LAW ENFORCEMENT AND PUBLIC SECURITY ARE IN MILITARY RATHER THAN IN CIVILIAN HANDS. FOR ANOTHER, THE PRACTICE OF ADMINISTRATIVE DETENTION WHICH IS LEGAL UNDER BOTH ISRAELI LAW AND THE JORDANIAN AND BRITISH MANDATORY LAWS THAT WERE IN FORCE BEFORE 1967 IN THE WEST BANK AND GAZA RESPECTIVELY, AND CONTINUE IN FORCE THERE, HAS RESULTED IN A NUMBER OF CASES OF IMPRISONMENT WITHOUT TRIAL. THE PERCEIVED NEED TO STAMP OUT TERRORISM AND CONTAIN DISSIDENCE IN A HOSTILE ENVIRONMENT HAS LED TO SOME EXCESSES AND INSTANCES OF BRUTAL TREATMENT OF ARAB CIVILIANS BY ISRAELI OCCUPATION AUTHORITIES.

4.

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THIS DICHOTOMY BETWEEN THE GENUINE DEMOCRACY OF ISRAEL PROPER AND THE INHERENT AUTHORITARIANISM OF MILITARY OCCUPATION IS DEEPLY DISTURBING TO MOST ISRAELIS. MANY OF ITS LEADERS, INCLUDING THOSE OF THE PREVIOUS GOVERNMENT, MAINTAIN THAT PERMANENT EXTENSION OF ISRAELI RULE OVER A MILLION NONCITIZEN ARABS WOULD RESULT IN THE NEGATION OF ISRAEL AS A JEWISH DEMOCRATIC STATE, BOTH OF WHICH QUALITIES ISRAELIS VALUE EQUALLY. INDEFINITE MAINTENANCE OF THE STATUS QUO WOULD POSE AN INCREASING THREAT TO ISRAEL'S DEMOCRACY, AS RESISTANCE TO ISRAELI OCCUPATION AND ITS CONCOMITANT REPRESSION GROW. CONVERSELY, TO EXTEND FULL CITIZENSHIP AND POLITICAL PARTICIPATION TO THE CITIZENS OF THE OCCUPIED TERRITORIES (I.E., ANNEXATION) WOULD LEAD TO RAPID DILUTION OF THE STATE'S JEWISH CHARACTER AND THE CREATION OF A BINATIONAL SECULAR STATE, A PROSPECT ANATHEMA TO ALMOST ALL JEWISH ISRAELIS. FOR THIS REASON, ISRAELI GOVERNMENT POLICY HAS UNTIL NOW BEEN TO SEEK, IN THE CONTEXT OF A GENERAL PEACE SETTLEMENT, A FORMULA WHICH WOULD PERMIT THE REVERSION OF THE MOST HEAVILY ARAB-POPULATED AREAS OF THE WEST BANK TO ARAB RULE, WHILE RETAINING MUCH OF THE SPARSELY-POPULATED AREAS FOR MAINTENANCE OF WHAT ISRAEL CONSIDERS ITS VITAL SECURITY REQUIREMENTS.

A COMPREHENSIVE SETTLEMENT WITH THE ARABS ON THESE TERMS
MAY NOT BE ATTAINABLE, AND UNTIL SOME MUTUALLY ACCEPTABLE

FORMULA IS ARRIVED AT AND IMPLEMENTED, ISRAELI OCCUPATION
OF ARAB TERRITORIES WILL CONTINUE AND THE DICHOTOMY WILL
PERSIST.

5. RESPECT FOR INTEGRITY OF THE PERSON

6. ISRAEL PROPER

7.

AS NOTED ABOVE, THE ISRAELI RECORD IN THIS SPHERE IS OF
A HIGH ORDER. USE OF TORTURE OR CRUEL AND DEGRADING
PUNISHMENT IS UNHEARD OF. LAW ENFORCEMENT IS CARRIED OUT
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WITHOUT EXCESSIVE USE OF FORCE. NEVERTHELESS, WHEN FOR THE
FIRST TIME IN ISRAEL'S HISTORY, IN EARLY 1976, SOME ARAB
CITIZENS RESORTED TO VIOLENT DEMONSTRATIONS PROTESTING
LAND APPROPRIATIONS, FORCE WAS USED TO QUELL THE DISTURB-
ANCES, RESULTING IN SEVERAL DEATHS AND A NUMBER OF
INJURIES.

8.

FAIR HEARINGS BY IMPARTIAL TRIBUNALS AND THE PRINCIPLE OF
FAIR PUBLIC TRIALS ARE FULLY OBSERVED. ISRAELIS HAVE FULL
ACCESS TO COURTS IF THEIR CONSTITUTIONAL RIGHTS ARE
VIOLATED. WRITS OF HABEAS CORPUS AND OTHER GUARANTEES OF
DUE PROCESS OF LAW ARE EMPLOYED AND DEFENDANTS ARE
CONSIDERED INNOCENT UNTIL PROVED GUILTY. PREVENTIVE DETEN-
TION, ALTHOUGH LEGAL IN THEORY IN A STATE OF EMERGENCY, IS
VIRTUALLY NEVER USED.

9. OCCUPIED TERRITORIES

10.

AS NOTED IN THE INTRODUCTION, MILITARY OCCUPATION, BY ITS
VERY NATURE, IS CONDUCTED ACCORDING TO AUTHORITARIAN
PRINCIPLES. ALTHOUGH ISRAEL CONTESTS THE VIEW OF THE
UNITED NATIONS (INCLUDING THE U.S.) THAT THE STIPULATIONS
OF THE FOURTH GENEVA CONVENTION CONCERNING THE PROTECTION
OF POPULATIONS UNDER MILITARY OCCUPATION APPLY TO THE
GOVERNANCE OF ITS OCCUPIED TERRITORIES, IT NONETHELESS
OBSERVES MOST OF THOSE STIPULATIONS. THE TWO SIGNIFICANT
EXCEPTIONS ARE THOSE PROHIBITING THE INTRODUCTION OF
SETTLERS FROM THE OCCUPYING POWER INTO OCCUPIED TERRITORIES,
AND EXPULSION OF THE INDIGENOUS POPULATION.

ISRAEL HAS ESTABLISHED OVER 70 NONMILITARY SETTLEMENTS IN
THE OCCUPIED TERRITORIES, WITH A TOTAL POPULATION OF ALMOST
5,000 PEOPLE. OCCUPATION AUTHORITIES HAVE ALSO SELECTIVELY
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EXPULSED RESIDENTS OF THE WEST BANK AND GAZA SUSPECTED OF HAVING OR KNOWN TO HAVE ENGAGED IN TERRORISM OR ANTI-ISRAELI POLITICAL AGITATION, ALTHOUGH THIS PRACTICE SEEMS TO HAVE DECLINED IN RECENT YEARS.

12.

AS REQUIRED BY THE GENEVA CONVENTION, JORDANIAN LAW (WITH A FEW ISRAELI MODIFICATIONS) IS STILL IN FORCE IN THE WEST BANK IN CIVIL AND CRIMINAL MATTERS. ITS ADJUDICATION HAS BEEN LEFT IN THE HANDS OF THE INDIGENOUS JUDICIARY, WHICH CARRIES OUT ITS DUTIES IN AN EQUITABLE MANNER. SECURITY MATTERS ARE SUBJECT TO TRIAL BY ISRAELI MILITARY AUTHORITIES. AS OF MAY 1976 THERE WERE ABOUT 3,100 NON-ISRAELI-CITIZEN ARABS UNDER ARREST OR IN PRISON, MOST OF WHOM WERE RESIDENTS OF THE OCCUPIED TERRITORIES. IT IS ESTIMATED THAT 90 PERCENT OF THESE WERE BEING HELD FOR SECURITY OFFENSES. OF THIS NUMBER, PROBABLY FEWER THAN 50 ARE UNDER ADMINISTRATIVE DETENTION, THE REMAINDER HAVING BEEN TRIED AND CONVICTED BY MILITARY COURTS. MILITARY COMMANDERS ARE AUTHORIZED TO ORDER THE ADMINISTRATIVE DETENTION WITHOUT TRIAL OF ANY PERSON ON SECURITY GROUNDS FOR UP TO SIX MONTHS AND SUCH DETENTION CAN IN THEORY BE ADMINISTRATIVELY EXTENDED INDEFINITELY. ALL SUCH ORDERS ARE REVIEWED BY A COMMITTEE APPOINTED BY THE REGIONAL MILITARY COMMANDER, WHICH INCLUDES THE REGIONAL LEGAL ADVISOR AND CAN HOLD HEARINGS REGARDING THE CASE. DETAINEES HAVE THE RIGHT TO APPEAL TO AN APPEALS COMMITTEE, HEADED BY A CIVILIAN-QUALIFIED JUDGE, WHICH REVIEWS EACH CASE EVERY SIX MONTHS, WHETHER THE DETAINEE HAS APPEALED OR NOT. DETAINEES ALSO HAVE THE RIGHT TO PETITION THE SUPREME COURT OF ISRAEL FOR A WRIT OF HABEAS CORPUS. IN PRACTICE, THESE RIGHTS OF APPEAL ARE LITTLE KNOWN AND RARELY EXERCISED AND HAVE VERY RARELY RESULTED IN A REVERSAL OF THE DECISION OF THE MILITARY AUTHORITIES.

13.

RESIDENTS OF THE WEST BANK DO HAVE THE RIGHT TO SEEK
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REDRESS OF GRIEVANCES IN ISRAELI COURTS, AND THIS IS NOT UNCOMMON IN CASES NOT INVOLVING ADMINISTRATIVE DETENTION. CHANCES OF SUCCESS VARY WITH THE ISSUE.

14.

THERE HAVE BEEN SEVERAL INSTANCES IN WHICH ISRAELI TROOPS, USUALLY INEXPERIENCED RESERVISTS UNTRAINED AND UNEQUIPPED FOR RIOT-CONTROL DUTY, HAVE USED EXCESSIVE FORCE IN

QUELLING DEMONSTRATIONS AND RESTORING ORDER. THESE ACTIONS HAVE NOT REFLECTED GOVERNMENT POLICY, AND INDIVIDUALS FOUND GUILTY OF SUCH EXCESSES HAVE BEEN DISCIPLINED AND OCCASIONALLY JAILED.

15.

THERE HAVE BEEN DOCUMENTED REPORTS OF THE USE OF EXTREME PHYSICAL AND PSYCHOLOGICAL PRESSURES DURING INTERROGATION OF SECURITY SUSPECTS, AND ALLEGATIONS ABOUT THE USE OF ACTUAL TORTURE TO EXTRACT CONFESSIONS HAVE ALSO APPEARED.

16.

WHILE THESE CHARGES HAVE BEEN CITED IN A REPORT BY AMNESTY INTERNATIONAL, THEY HAVE GENERALLY EMANATED FROM CLEARLY PRO-ARAB SOURCES; BUT A LENGTHY REPORT IN THE LONDON SUNDAY TIMES OF JUNE 19, 1977 CONCLUDED THAT THE USE OF TORTURE DURING INTERROGATION IN THE WEST BANK AND GAZA IS WIDESPREAD AND SYSTEMATIC. ITS CONCLUSIONS WERE DERIVED LARGELY FROM INTERVIEWS WITH PALESTINIAN ARABS WHO CLAIM TO HAVE BEEN TORTURED AND WITH ARAB AND ISRAELI LAWYERS WHO HAVE DEFENDED THEM.

17.

IN RESPONSE, THE ISRAELI GOVERNMENT ASSERTED THAT DETAINEES AND THEIR LAWYERS INVARIABLY CLAIM THAT ALL CONFESSIONS ARE EXTRACTED UNDER DURESS. GIVEN THEIR WELL-GROUNDED FEAR OF REPRISALS BY THE PLO OR OTHER PALESTINIAN GUERRILLA GROUPS, IT WOULD NOT BE SURPRISING IF INDIVIDUALS

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WHO HAVE CONFESSED OR OTHERWISE COOPERATED WITH ISRAELI AUTHORITIES GREATLY EXAGGERATED THE DEGREE OF DURESS TO WHICH THEY WERE SUBJECTED.

18.

THE GOI STATED THAT IT HAD OFFERED TO INVESTIGATE ALL THE CHARGES IN THE ARTICLE BEFORE IT WAS PUBLISHED, BUT THE SUNDAY TIMES DID NOT REPLY, IN EFFECT IGNORING THE OFFER, AND PUBLISHED THE ARTICLE BASED ON ARAB STATEMENTS ONLY.

19.

WE HAVE NO INDEPENDENT MEANS OF CONFIRMING OR REFUTING THESE CHARGES. IN RESPONSE TO A CONGRESSIONAL INQUIRY, CONGEN JERUSALEM AND EMBASSY AMMAN LOOKED INTO A U.S. NEWSPAPER REPORT OF TORTURE OF AN INDIVIDUAL PALESTINIAN AND FOUND THE EVIDENCE CONFLICTING AND INCONCLUSIVE, ALTHOUGH TENDING TO SUPPORT THE ALLEGATIONS. AFTER CONSIDERABLE EFFORTS TO DETERMINE THE FACTS ABOUT THE USE OF INHUMANE TREATMENT, EMBASSY TEL AVIV, BEING AS PRECISE AS POSSIBLE, STATED ITS CONCLUSIONS WERE AS FOLLOWS: QUOTE THERE HAVE BEEN DOCUMENTED REPORTS THAT ISRAELI AUTHORITIES HAVE ENGAGED IN INHUMANE TREATMENT IN ATTEMPTING TO PRESERVE ORDER IN THE OCCUPIED TERRITORIES, AS WELL AS CHARGES OF TORTURE. THERE HAVE ALSO BEEN WELL-

DOCUMENTED ACCOUNTS OF EXCESSIVE USE OF FORCE AND BEATINGS
BY ISRAELI SECURITY PERSONNEL OF INDIVIDUALS UNDER
DETENTION. END QUOTE.

20.

OVERCROWDING IN PRISONS WHERE SECURITY OFFENDERS ARE HELD
LED TO A SERIES OF HUNGER STRIKES BY PRISONERS IN EARLY
1977. AROUND THAT TIME, THE INTERNATIONAL RED CROSS (ICRC)
WHICH DOES NOT NORMALLY SPEAK OUT PUBLICLY, ISSUED A
STATEMENT NOTING THAT, WHILE THERE HAD BEEN SOME IMPROVE-
MENTS, SOME OF ITS RECOMMENDATIONS TO THE ISRAELI

AUTHORITIES FOR IMPROVEMENTS IN MEDICAL SERVICES,
CULTURAL FACILITIES AND FAMILY CONTACTS HAD NOT YET BEEN
IMPLEMENTED.

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21. RESPECT FOR CIVIL AND POLITICAL LIBERTIES.

22. ISRAEL PROPER.

23.

ISRAEL IS THE ONLY GENUINE PARLIAMENTARY DEMOCRACY IN THE
MIDDLE EAST, AND ISRAELIS OF ALL FAITHS AND ETHNIC GROUPS
ENJOY VIRTUALLY UNENCUMBERED FREEDOM OF RELIGION,
EXPRESSION, AND ASSEMBLY. BOTH THE HEBREW AND ARABIC
PRESS ARE FREE AND EXPRESS A WIDE VARIETY OF POLITICAL
OPINIONS. ALL NEWSPAPERS ARE SUBJECT TO CENSORSHIP ON
MILITARY MATTERS, BUT THIS IS VERY RARELY EXERCISED. ALL
ISRAELIS ENJOY FREEDOM OF MOVEMENT WITHIN THE COUNTRY AND
ARE FREE TO TRAVEL ABROAD OR EMIGRATE, ALTHOUGH FOREIGN
TRAVEL IS TAXED FOR ECONOMIC REASONS.

24.

ALL ISRAELIS ENJOY THE FREEDOM FULLY TO PARTICIPATE IN THE
POLITICAL PROCESS. AS A RESULT OF RECENT ELECTIONS, THE
COUNTRY HAS JUST UNDERGONE A TOTALLY UNEVENTFUL TRANSITION,
WITH THE PARTY IN POWER FOR THE LAST 29 YEARS BEING
REPLACED BY ITS TRADITIONAL OPPOSITION.

25.

THE ARAB MINORITY HAS EQUAL RIGHTS UNDER THE LAW AND
INSTANCES OF CIVIL RIGHTS DISCRIMINATION ARE RARE.
ALTHOUGH SUBTLER FORMS OF DISCRIMINATION, IN SUCH AREAS AS
EMPLOYMENT AND APPOINTMENT TO GOVERNMENT POSITIONS DO OCCUR
IN SOME INSTANCES, A NUMBER OF ARABS HAVE RISEN TO
RESPONSIBLE POSITIONS IN THE CIVIL SERVICE, UP TO THE RANK
OF DEPUTY MINISTER. UNLIKE JEWISH ISRAELIS, ARABS ARE NOT
SUBJECT TO THE MILITARY DRAFT.

26. OCCUPIED TERRITORIES.

27.

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AS NOTED ABOVE, MILITARY OCCUPATION IS AN INHERENTLY AUTHORITARIAN CONCEPT, IMPLICIT IN WHICH IS THE NOTION THAT OBSERVANCE OF CIVIL RIGHTS AND LIBERTIES MUST BE ADAPTED TO AND SECONDARY TO SECURITY REQUIREMENTS. GIVEN SUCH A STRICTURE, THE INHABITANTS OF THE OCCUPIED TERRITORIES ENJOY RATHER MORE CIVIL AND POLITICAL RIGHTS THAN MIGHT BE EXPECTED. FREEDOM OF RELIGION IS UNQUALIFIED AND FREEDOM OF THOUGHT AND EXPRESSION GENERALLY UNINHIBITED. THE WEST BANK PRESS IS VERY OUTSPOKEN AND IS SUBJECT TO CENSORSHIP ONLY ON THE SAME GROUNDS AS IS THE ISRAELI PRESS. FREEDOM OF ASSEMBLY IS CIRCUMSCRIBED DURING PERIODS OF TENSION.

28.

POLITICAL ACTIVITY OTHER THAN LIMITED ELECTION CAMPAIGNING IS FORBIDDEN AND NO POLITICAL PARTIES ARE PERMITTED. ON THE OTHER HAND, ISRAEL HAS TWICE PERMITTED ELECTION OF MUNICIPAL COUNCILS ON THE WEST BANK AND IS CONTEMPLATING DOING THE SAME IN THE GAZA STRIP. ISRAEL DID NOT INTERFERE WHEN ARAB NATIONALISTS OUTSPOKENLY HOSTILE TO ISRAEL RAN FOR--AND IN MOST CASES WON--OFFICE IN THE SECOND WEST BANK ELECTIONS. IN FACT, THE ISRAELI AUTHORITIES ASSISTED IN ENSURING THAT THE ELECTION WAS PROPERLY CONDUCTED.

29.

FREEDOM OF MOVEMENT IS GENERALLY UNRESTRICTED IN THE OCCUPIED TERRITORIES AND THOUSANDS OF ARABS TRAVEL DAILY TO ISRAEL FOR WORK. INHABITANTS OF THE TERRITORIES, LIKE ISRAELIS, ARE REQUIRED TO CARRY IDENTITY CARDS AND THEIR VEHICLES ARE FREQUENTLY SUBJECT TO STOPPAGE AND SECURITY INSPECTION, PARTICULARLY WHEN TRAVELING IN ISRAEL. THEY ARE GENERALLY FREE TO TRAVEL ABROAD AND TO RETURN, AND MANY THOUSANDS CROSS THE "OPEN BRIDGES" TO JORDAN EVERY YEAR. THOSE CROSSING FROM JORDAN INTO THE WEST BANK ARE SUBJECT TO RIGOROUS--OFTEN HUMILIATING SEARCHES FOR WEAPONS AND CONTRABAND.

30. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF
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BASIC NEEDS.

31. ISRAEL PROPER.

32.

ISRAEL IS A WELFARE STATE WHOSE ECONOMY IS ORGANIZED ALONG THE GENERAL LINES OF THE WESTERN EUROPEAN MIXED ECONOMIES. INCOME DISTRIBUTION IN ISRAEL IS FAR MORE EGALITARIAN

THAN IN THE UNITED STATES AND, AS A MATTER OF PUBLIC POLICY, UNEMPLOYMENT IS HELD TO INSIGNIFICANT LEVELS. ALL ISRAELIS ARE GUARANTEED GOOD, AFFORDABLE HEALTH CARE, AND HOUSING FOR THE POOR IS MODESTLY SUBSIDIZED. SINCE 1948, ISRAEL HAS TAKEN IN WELL OVER ONE MILLION JEWISH REFUGEES FROM POST-HOLOCAUST EUROPE AND THE MIDDLE EAST AND AT ENORMOUS NATIONAL SACRIFICE HAS ASSIMILATED THEM INTO ITS SOCIETY AND ECONOMY. BECAUSE OF THE WIDE DISPARITY IN EDUCATIONAL AND CULTURAL BACKGROUNDS, THERE REMAINS A CONSIDERABLE ECONOMIC AND SOCIAL GAP BETWEEN THE ASHKENAZI (EUROPEAN) AND SEPHARDI (MIDDLE EASTERN) JEWISH COMMUNITIES, WHICH THE GOVERNMENT IS COMMITTED TO NARROWING.

33.

ALL ISRAELIS ARE GUARANTEED FREE PUBLIC EDUCATION THROUGH THE 6TH GRADE AND MORE THAN HALF OF ALL SECONDARY STUDENTS RECEIVE FULL SCHOLARSHIPS. IN ACCORDANCE WITH THE WISHES OF BOTH COMMUNITIES, THERE ARE PARALLEL EDUCATIONAL SYSTEMS FOR JEWS AND ARABS, CONDUCTED IN HEBREW AND ARABIC RESPECTIVELY. THE LEVEL OF EDUCATIONAL ATTAINMENT OF

JEWISH CHILDREN GENERALLY EXCEEDS THAT OF ARAB CHILDREN, BECAUSE OF THE CONCENTRATION OF ARABS IN THE AGRICULTURAL ECONOMY AND THE GENERALLY MORE RESTRICTED JOB MARKET FOR ISRAELI ARABS. NEVERTHELESS, AVERAGE PER CAPITA INCOME AMONG ARABS IN ISRAEL IS PROBABLY HIGHER THAN IN ANY OF THE SURROUNDING COUNTRIES AND IS IN FACT HIGHER THAN THAT

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OF JEWISH ISRAELIS OF SEPHARDIC ORIGIN.

34.

SINCE THE TITLE TO MOST OF THE LAND IN ISRAEL IS HELD BY STATE INSTRUMENTALITIES IN TRUST FOR THE JEWISH PEOPLE, ARABS, MANY OF WHOM ARE ENGAGED IN AGRICULTURE, ARE LEGALLY UNABLE TO ACQUIRE ADDITIONAL LAND, EXCEPT THROUGH PURCHASE FROM OTHER ISRAELI ARABS. MOREOVER, THERE HAVE BEEN FREQUENT COMPLAINTS THAT EXPROPRIATIONS OF ARAB LAND, ALTHOUGH SUBJECT TO LEGAL REVIEW AS TO PURPOSE AND LEVEL OF COMPENSATION, HAVE NOT BEEN FOR THE BENEFIT OF THE LOCAL COMMUNITY, BUT RATHER FOR PROMOTING JEWISH SETTLEMENT IN DENSELY ARAB-POPULATED AREAS. THE GOVERNMENT HAS SAID IT PLANS NO MORE EXPROPRIATIONS IN THE FORESEEABLE FUTURE.

35. OCCUPIED TERRITORIES

36.

THE ISRAELI AUTHORITIES HAVE INTERVENED RELATIVELY LITTLE IN THE ECONOMIC LIFE OF THE OCCUPIED TERRITORIES AND HAVE NOT ATTEMPTED TO TRANSPLANT ISRAELI ECONOMIC AND SOCIAL INSTITUTIONS, LEAVING TRADITIONAL PATTERNS OF STRATIFICATION IN PLACE. PER CAPITA INCOME HAS INCREASED SUBSTANTIALLY UNDER THE ISRAELI OCCUPATION BECAUSE OF THE THOU-

SANDS OF JOBS NOW HELD BY PALESTINIAN WORKERS IN ISRAEL PROPER, AND THE GAP BETWEEN INCOME LEVELS IN ISRAEL AND THE TERRITORIES HAS SHRUNK STEADILY SINCE 1967. THE INDIGENOUS ECONOMY OF THE OCCUPIED AREAS THEMSELVES, HOWEVER, HAS REMAINED RELATIVELY STAGNANT, AND MANY OF THE MORE TALENTED SCHOOL GRADUATES CHOOSE TO LEAVE THE AREAS FOR ARAB COUNTRIES WHERE GREATER ECONOMIC OPPORTUNITIES EXIST.

37. GOVERNMENTAL RESPONSIBILITY FOR HUMAN RIGHTS RECORD.

38.

AS A WESTERN-STYLE DEMOCRACY, RESPECT FOR HUMAN RIGHTS IS A CORNERSTONE OF ISRAEL'S NATIONAL ETHOS. INDEED, IT WAS A FUNDAMENTAL HUMAN-RIGHTS CONCERN--JUSTICE FOR THE CONFIDENTIAL

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JEWISH PEOPLE--THAT LED TO ISRAEL'S FOUNDING. ALTHOUGH THE PARTICULARISTIC NATURE OF THE ISRAELI STATE PLACES NON-JEWISH ISRAELIS IN AN INHERENTLY DIFFICULT POSITION, THERE CAN BE NO DOUBT THAT THE CREATION AND SURVIVAL OF THE STATE OF ISRAEL SERVES THE LARGER CAUSE OF HUMAN RIGHTS AND SOCIAL JUSTICE. BEING ACUTELY AWARE OF THE FEELINGS

OF SECOND-CLASS CITIZENSHIP ON THE PART OF THE ARAB MINORITY, THE GOVERNMENT MAKES EVERY EFFORT TO AVOID ANY DISCRIMINATION IN AREAS OF PUBLIC POLICY. COMPLETE ELIMINATION OF DISCRIMINATION, HOWEVER, WILL PROBABLY NEVER BE POSSIBLE AS LONG AS ISRAEL CONTINUES TO BE REGARDED AS ILLEGITIMATE AND REJECTED BY ITS ARAB NEIGHBORS.

39.

THE CURTAILMENT OF CERTAIN HUMAN RIGHTS GUARANTEES IN THE OCCUPIED TERRITORIES, SUCH AS FREE POLITICAL ACTIVITY, AND THE USE OF SUCH AUTHORITARIAN MEASURES AS ADMINISTRATIVE DETENTION, ARE REGARDED AS NECESSARY FOR THE MAINTENANCE OF NATIONAL SECURITY AND PUBLIC SAFETY AND IS, AS NOTED, AN INHERENT CHARACTERISTIC OF MILITARY OCCUPATION. THE GOVERNMENT DOES NOT, HOWEVER, CONDONE THE USE OF EXCESSIVE FORCE OR BRUTALITY IN THE CONTROLLING OF RIOTS AND DEMONSTRATIONS AND SOLDIERS HAVE BEEN SEVERELY DISCIPLINED FOR SUCH BEHAVIOR. DESPITE LURID ACCOUNTS OF THE USE OF TORTURE IN INTERROGATIONS, THERE IS LITTLE RELIABLE EVIDENCE TO SUBSTANTIATE CHARGES THAT THIS IS A RESULT OF OFFICIAL POLICY, OR INDEED, THAT IT IS REGULARLY PRACTICED AT ALL.

40.

WE REGARD ISRAEL'S OCCUPATION OF ARAB LANDS SINCE 1967 AS A TEMPORARY PHENOMENON THAT OCCURRED AS A RESULT OF A WAR AGAINST ISRAEL BROUGHT ON BY THE AGGRESSIVE ACTIONS THE CONFIDENTIAL

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ARAB STATES AND THAT WILL BE TERMINATED UPON CONCLUSION OF A COMPREHENSIVE PEACE SETTLEMENT. UNTIL SUCH A SETTLEMENT CAN BE WORKED OUT, ISRAEL HAS THE RIGHT TO REMAIN IN OCCUPATION OF THOSE TERRITORIES AND TO GOVERN THEM IN ACCORDANCE WITH THE INTERNATIONAL STANDARDS OF THE FOURTH GENEVA CONVENTION, WITH MOST OF THE STANDARDS OF WHICH IT IS IN SUBSTANTIAL COMPLIANCE.

41. INDEPENDENT OUTSIDE INVESTIGATIONS.

42.

AS NOTED ABOVE, THE INTERNATIONAL RED CROSS REGULARLY INSPECTS PRISON CONDITIONS IN THE OCCUPIED TERRITORIES AND HAS MADE A NUMBER OF RECOMMENDATIONS FOR IMPROVING THOSE CONDITIONS. IN 1970, THE ISRAELI GOVERNMENT AUTHORIZED AMNESTY INTERNATIONAL TO CONDUCT AN INVESTIGATION INTO REPORTS OF ILL-TREATMENT OF PRISONERS AND DETAINEES. AMNESTY ISSUED A REPORT WHICH DESCRIBED REPORTS OF SEVERAL CASES OF MISTREATMENT IT HAD RECEIVED. ITS RECOMMENDATION OF A FORMAL INQUIRY WITH INTERNATIONAL PARTICIPATION WAS REJECTED BY ISRAEL. IN 1976, AMNESTY RENEWED ITS REQUEST FOR AN INVESTIGATION.

43.

FOR SEVERAL YEARS, THE U.N. HUMAN RIGHTS COMMISSION AND OTHER U.N. BODIES HAVE ADOPTED RESOLUTIONS CONDEMNING ALLEGED ISRAELI HUMAN RIGHTS VIOLATIONS IN THE OCCUPIED TERRITORIES. THE UNITED STATES HAS VOTED AGAINST MOST OF THESE RESOLUTIONS, WHICH WE REGARD AS ONE-SIDED AND BLATANTLY POLITICALLY MOTIVATED. FOR UNDERSTANDABLE REASONS, ISRAEL HAS BEEN GENERALLY UNRESPONSIVE TO EFFORTS BY U.N. BODIES TO CONDUCT INVESTIGATIONS IN TERRITORIES UNDER ITS JURISDICTION.

44. ANALYSIS AND RECOMMENDATIONS.

45.

THERE IS NOT A GREAT DEAL THAT THE UNITED STATES CAN OR
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SHOULD TRY TO DO IN THE SHORT RUN TO INFLUENCE SUCH HUMAN-RIGHTS ABUSES AS OCCUR IN THE OCCUPIED TERRITORIES. THE OVERWHELMING PREPONDERANCE OF ISRAEL'S HUMAN-RIGHTS PROBLEMS EXIST AS A DIRECT CONSEQUENCE OF THE STATE OF WAR WITH ITS NEIGHBORS. WHEN--AND ONLY WHEN--THAT PROBLEM IS RESOLVED, MOST HUMAN-RIGHTS PROBLEMS WILL BE RESOLVED ALONG WITH IT. ALTHOUGH WE MIGHT BE ABLE TO CONTRIBUTE

TO THE AMELIORATION OF SOME OF THE MORE BLATANT ABUSES, SUCH AS POLICE BRUTALITY AND MISTREATMENT OF DETAINEES, BY URGING THAT REMEDIAL ACTION BE TAKEN, OUR MOST EFFECTIVE CONTRIBUTION IN THIS AREA WILL COME AS A BYPRODUCT OF OUR EFFORTS TO BRING ABOUT A PEACEFUL AND LASTING SOLUTION TO THE ARAB-ISRAELI CONFLICT, WHICH IS AT THE ROOT OF ISRAEL'S HUMAN-RIGHTS DIFFICULTIES.

46.

OUR EFFORTS TO FOSTER PEACE NEGOTIATIONS HAVE ALREADY BROUGHT US INTO FRICTION WITH ISRAEL ON SEVERAL VITAL ISSUES, E.G., WITHDRAWAL FROM OCCUPIED TERRITORIES AND A HOMELAND FOR THE PALESTINIANS, WHICH ISRAEL CONSIDERS THREATS TO ITS VERY SURVIVAL. OUR DEALINGS WITH THE NEW LIKUD GOVERNMENT WILL BE EVEN MORE DIFFICULT. THE SUCCESS OF OUR EFFORTS TO ENCOURAGE ISRAEL TO MAKE THE PAINFUL AND RISKY COMPROMISES NECESSARY FOR SUCCESSFUL NEGOTIATIONS DEPENDS HEAVILY ON OUR ABILITY TO RETAIN ISRAEL'S CONFIDENCE IN OUR COMMITMENTS TO ITS SURVIVAL. THIS IN TURN REQUIRES THAT WHEREVER POSSIBLE WE AVOID CONFRONTATIONS WITH ISRAEL OVER ANYTHING BUT THE ISSUES MOST ESSENTIAL TO THE PEACE PROCESS. ATTEMPTS TO BRING HEAVY PRESSURE TO BEAR ON HUMAN RIGHTS QUESTIONS WILL PROVOKE A SHARPLY DEFENSIVE REACTION, WHICH WILL UNDOUBTEDLY UNDERMINE OUR ABILITY TO INFLUENCE ISRAEL IN THE DIRECTION OF COMPROMISE.

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47.

PUBLIC CRITICISM OF ISRAELI HUMAN RIGHTS PRACTICES MIGHT GAIN US SOME CREDIT WITH THE ARAB STATES AND THE INHABITANTS OF THE OCCUPIED TERRITORIES, BUT THIS WOULD BE MORE THAN OFFSET BY THE DAMAGE TO OUR CREDIBILITY WITH ISRAEL AND ITS MANY SUPPORTERS IN THE CONGRESS AND THE GENERAL PUBLIC. BY THE SAME TOKEN, SUCH ACTIONS COULD SEND MISLEADING SIGNALS TO ISRAEL'S ADVERSARIES THAT COULD SUGGEST A WEAKENING OF U.S. SUPPORT FOR ISRAEL'S LEGITIMATE INTERESTS AND PRODUCE A STIFFENING OF THE ARAB NEGOTIATING POSTURE.

48.

ALL OF THE ABOVE DOES NOT MEAN THAT WE CAN OR SHOULD IGNORE ISRAEL'S HUMAN RIGHTS ABUSES. REPORTS LIKE THAT IN THE SUNDAY TIMES, WHILE THEY ARE CERTAINLY EXAGGERATED AND MAY BE LARGELY UNTRUE, WILL NONETHELESS ADD A SIGNIFICANT MEASURE OF CREDIBILITY TO ALLEGATIONS THAT ISRAEL BRUTALLY MISTREATS ARABS UNDER ITS OCCUPATION. ESPECIALLY IN THOSE CIRCLES THAT ARE ALREADY INCLINED TO BELIEVE THE WORST ABOUT ISRAEL, BUT ALSO AMONG THOSE WHO HAVE NO PARTICULAR AX TO GRIND AGAINST ISRAEL BUT WHO HAVE STRONG FEELINGS ABOUT HUMAN RIGHTS, SUCH REPORTS CAN BEGIN TO

ERODE THE FOUNDATION OF WESTERN AND U.S. DOMESTIC POPULAR SUPPORT FOR ISRAEL, AND RENDER OUR PEACE-MAKING EFFORTS MORE DIFFICULT. IT IS THUS VERY MUCH IN ACCORD WITH OUR MIDDLE EAST INTERESTS--AND ISRAEL'S AS WELL--FOR US QUIETLY TO URGE ISRAEL TO DEAL WITH THE PROBLEM STRAIGHTFORWARDLY.

49.

AREAS FOR IMPROVEMENT OVER THE NEXT YEAR TO WHICH OUR REPRESENTATIONS SHOULD BE ADDRESSED INCLUDE THE FOLLOWING:

A. A THOROUGH INTERNAL INVESTIGATION OF REPORTS CONCERNING THE USE OF TORTURE DURING INTERROGATION AND PHYSICAL ABUSE OF DETAINEES, WITH PUNISHMENT OF ANY PROVEN OFFENDERS AND REDUCTION OR ELIMINATION OF SUCH ABUSES.
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B. REDUCTION IN THE USE OF EXCESSIVE FORCE IN QUELLING DISTURBANCES BY BETTER TRAINING AND MORE APPROPRIATE EQUIPPING OF RIOT-CONTROL FORCES.

C. IMPROVEMENT OF PRISON CONDITIONS.

D. ELIMINATION OF THE USE OF EXPULSION OR EXILE AND THE RAZING OF HOUSES IN DEALING WITH SUSPECTED TERRORISTS AND POLITICAL AGITATORS.

50.

WE SHOULD PURSUE THESE OBJECTIVES THROUGH QUIET DIPLOMACY, APPROACHING THE ISRAELIES ALONG THE FOLLOWING LINES:

51.

WE SHOULD POINT OUT THE VERY DAMAGING EFFECT ON ISRAEL'S INTERNATIONAL IMAGE OF CONTINUING APPARENTLY WELL-DOCUMENTED ACCOUNTS OF THE USE OF TORTURE AND OFFICIAL BRUTALITY IN THE OCCUPIED TERRITORIES. WITHOUT RENDERING ANY JUDGMENT ON THE TRUTH OR FALSEHOOD OF THE MORE GROSS ALLEGATIONS, PARTICULARLY THE CHARGE THAT THE USE OF TORTURE TO EXTRACT INFORMATION OR CONFESSIONS IS OFFICIALLY SANCTIONED OR CONDONED, IT DOES SEEM CLEAR THAT EXCESSES HAVE OCCURRED. ISRAEL CAN ILL AFFORD TO ALLOW SUCH ALLEGATIONS TO STAND UNREFUTED. WE ARE AWARE OF ISRAEL'S DENIALS, BUT BELIEVE THAT ONLY A TRULY IMPARTIAL INVESTIGATION CAN CLEAR THE AIR. SUCH A PROCESS COULD BEGIN WITH THE APPOINTMENT OF A BLUE-RIBBON PANEL OF ISRAELI PERSONALITIES, PERHAPS WITH INTERNATIONAL PARTICIPATION. WHILE RECOGNIZING THE DIFFICULTY OF FINDING A TRULY IMPARTIAL INTERNATIONAL BODY TO CONDUCT SUCH AN INVESTIGATION, GIVEN THE POOR PERFORMANCE OF U.N. BODIES ON THIS SCORE AND THEIR VULNERABILITY TO ARAB PRESSURE, WE BELIEVE
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THAT TO ATTEMPT TO DO SO WOULD SERVE ISRAEL'S INTERESTS WELL. PERHAPS THE INTERNATIONAL COMMISSION OF JURISTS MIGHT BE SUCH A BODY.

52.

WE SHOULD MAKE IT CLEAR THAT WE BELIEVE THE PROBLEM WILL GET WORSE AND THAT UNLESS ISRAEL MAKES SERIOUS EFFORTS TO CLEAR THE AIR BY CORRECTING THE ABUSES THAT DO EXIST AND EXPOSING THE FALSENESS OF THE EXAGGERATED AND IRRESPONSIBLE CHARGES THROUGH AN IMPARTIAL INVESTIGATION. IT WILL BECOME INCREASINGLY DIFFICULT FOR THE UNITED STATES TO DEFEND ISRAEL AGAINST SUCH CHARGES IN INTERNATIONAL FORA.

AT THE SAME TIME WE SHOULD POINT OUT THE OTHER HUMAN RIGHTS QUESTIONS THAT CAUSE US CONCERN, SUCH AS EXCESSIVE FORCE IN RIOT CONTROL, PRISON CONDITIONS, ETC. IT SHOULD BE MADE CLEAR THAT WE ARE FULLY AWARE THAT THE ENMITY OF ISRAEL'S NEIGHBORS AND PAST EXPERIENCES WITH TERRORISM CREATE CONDITIONS IN WHICH SOME COMPROMISES MUST BE STRUCK BETWEEN LEGITIMATE SECURITY CONCERNS AND STRICT OBSERVANCE OF HUMAN RIGHTS. NEVERTHELESS, ISRAEL AND THE U.S. HAVE A COMMON INTEREST IN KEEPING COMPROMISES OF HUMAN RIGHTS STANDARDS TO AN ABSOLUTE MINIMUM AND THUS DEPRIVING ISRAEL'S DETRACTORS OF AN EFFECTIVE PROPAGANDA WEAPON.

54.

IT IS DIFFICULT TO GAUGE THE LIKELY GOI REACTION. A GREAT DEAL DEPENDS ON HOW U.S.-ISRAELI RELATIONS EVOLVE OVER THE NEXT FEW MONTHS AS DIFFERENCES BETWEEN US AND THE NEW ISRAELI GOVERNMENT OVER BASIC PEACE ISSUES ARE HIGHLIGHTED. IF THESE DIFFERENCES CAN BE RESOLVED OR HELD TO A MINIMUM, ISRAEL MAY BE RELATIVELY RECEPTIVE TO OUR HUMAN RIGHTS OVERTURES. IF, ON THE OTHER HAND, THE GAP BETWEEN US ON PEACE ISSUES SHOULD WIDEN, AN AGGRESSIVE DEMARCHÉ ON HUMAN RIGHTS COULD VERY WELL BE SEEN AS YET ANOTHER INDICATION

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OF EROSION OF U.S. SUPPORT FOR ISRAEL.

55.

IN VIEW OF THE OVERRIDING NEED TO MAINTAIN AS HIGH A LEVEL AS POSSIBLE OF ISRAELI CONFIDENCE IN THE UNITED STATES, AND TO AVOID ENCOURAGING THE IMPRESSION THAT U.S. SUPPORT FOR ISRAEL IS ERODING, IT WOULD BE HIGHLY INADVISABLE AND UNPRODUCTIVE TO GO BEYOND THE USE OF QUIET DIPLOMACY IN

PURSuing OUR HUMAN RIGHTS OBJECTIVES IN ISRAEL, AT LEAST
AS LONG AS EFFORTS TO BRING ABOUT PEACE NEGOTIATIONS ARE
CONTINUING. VANCE

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